

JULY 22, 2002

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD MONDAY, JULY 22, 2002 AT 5:15 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

CITY COMMISSION MEMBERS PRESENT:

Charles E. Wilson, City Commissioner
 Horacio (Hoss) Castillo, City Commissioner
 Filemon "Phil" Esquivel, Jr., Mayor
 Al Garcia, City Commissioner

CITY COMMISSION MEMBERS ABSENT:

Arturo Pecos, City Commissioner

CITY STAFF PRESENT:

Hector M. Hinojosa, City Manager
 Diana F. Valadez, City Secretary
 Courtney Alvarez, City Attorney
 Yolanda Vasquez, Municipal Court Supervisor
 Dora Byington, Director of Purchasing
 Sammy Maldonado, Utilities Superintendent
 A.L. Noyola, Health Director
 Corando Garza, Assistant City Manager / Fire Chief
 Sam Granato, Chief of Police
 Stanley Fees, City Engineer
 Jennifer Detloff, Director of Development Services
 Carol Ann Anderson, Tourism Executive Director
 Artemio Alvarez, Risk Manager
 Dianne Leubert, Solid Waste Superintendent

The Commission convened into Section III, Petitions, Grievances, and Presentations.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

1. **WORKSHOP REGARDING COURT FEES AND FINES COLLECTIONS SERVICES CONTRACT WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP. (CITY MANAGER).**

In a workshop session the Commission discussed with representatives of the law firm the process used to collect outstanding fines. There were representatives present with the law firm as well as the computer software program that is currently installed in the computer system. All parties involved discussed different options in processing and collecting outstanding fines.

It was determined that a meeting be scheduled with all parties involved to discuss some of the technical difficulties that have occurred with this program. Mayor Filemon "Phil" Esquivel, Jr., requested that an update be provided to the Commission at the next meeting.

6:00 P.M. – RECONVENE TO REGULAR SESSION.

I. PRELIMINARY PROCEEDINGS.

OPEN MEETING:

Mrs. Dora Byington, Director of Purchasing led the Commission and members of the audience in an invocation. Immediately thereafter, City Commissioner Charles E. Wilson led the Pledge of Allegiance.

MINUTES OF PREVIOUS MEETING(S) – REQUIRED BY LAW.

The Commission was presented with the minutes of the Regular Meeting held Monday, June 24, 2002. There being no corrections, a motion was made by Commissioner Horacio (Hoss) Castillo and seconded by Commissioner Wilson to accept the minutes as presented. The motion passed by a unanimous vote.

II. PUBLIC HEARING – (REQUIRED BY LAW).

1. REPLAT REQUEST FOR LOT 12, SERENITY ESTATES LOCATED AT 101 WEST SAGE ROAD. (DIRECTOR OF DEVELOPMENT SERVICES).

Mr. Hector M. Hinojosa, City Manager, requested that no discussion take place on this item. He stated that the Planning and Zoning Commission tabled this item on Thursday, July 18, 2002.

III. PETITIONS, GRIEVANCES, AND PRESENTATIONS.

It was the consensus of the Commission to discuss item number five at this time.

5. UPDATE AND PRESENTATION REGARDING CONDITIONS OF WASTEWATER TREATMENT PLANTS AND LIFT STATIONS. (UTILITIES SUPERINTENDENT).

Mr. Robert Vierra, Professional Engineer with the firm of Smith & Russo addressed the Commission regarding the conditions of the wastewater treatment plants and lift stations. Besides the conditions, he explained funding alternatives for this type of project as well as prioritizing the necessary improvements.

3. QUARTERLY REPORT BY KINGSVILLE CONVENTION AND VISITOR'S BUREAU. (DIRECTOR OF TOURISM).

Mr. Anse Windham highlighted some of the events that the Kingsville Convention and Visitor's Bureau has been working on. He showed a slide presentation on the July 4th event held at Dick Kleberg Park.

2. WORKSHOP REGARDING PROPOSED ORDINANCE THAT REGULATES STREET CLOSURES FOR SUCH EVENTS AS BLOCK PARTIES AND PERMITS FOR SPECIAL EVENTS. (CITY COMMISSION).

Mayor Esquivel stated that he met with the Downtown Merchants Association regarding the proposed ordinance. He stated that the ordinance regulates neighborhood block parties, and would like the ordinance to be user friendly. Mayor Esquivel stated that the ordinance was being revised and would be presented to the Commission for final approval at the next meeting.

4. UPDATE AND PRESENTATION REGARDING INSPECTION OF WATER TOWERS. (UTILITIES SUPERINTENDENT).

Mr. Joe Bradley with Utility Service Company addressed the Commission regarding an inspection of the water towers. He informed the Commission on items that should be repaired as soon as possible.

6. PRESENTATION BY JOHNSON CONTROLS, INC. FOR INFRASTRUCTURE IMPROVEMENTS. (CITY MANAGER).

Mr. Hinojosa stated that Mr. Terry Moore with Johnson Controls was unable to attend the meeting this evening. He stated that this item would be placed on a later agenda.

7. MAYOR AND CITY COMMISSIONER'S REPORTS. (CITY COMMISSION).

No comments were made at this time.

8. CITY MANAGER'S REPORT. (CITY MANAGER).

Mr. Hinojosa informed the Commission that budget workshops had been scheduled for July 29, 30, & 31 from 11:30 am to 1:30 pm.

Mr. Hinojosa also stated that the Kingsville Fire Department received a grant for \$23,700 through the Federal Emergency Management Association.

Mr. Hinojosa reminded the Commission of the Special Meeting scheduled for tomorrow evening at 6:00 pm. to award an engineering contract.

IV. PUBLIC COMMENT ON AGENDA ITEMS.

1. COMMENTS ON ALL AGENDA AND NON-AGENDA ITEMS.

None.

V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.

1. CONSIDER FINAL PASSAGE OF AN ORDINANCE AMENDING CHAPTER XI, ARTICLE 7, FOOD SALES AND ESTABLISHMENTS, PROVIDING FOR REGULATION OF FOOD ESTABLISHMENTS INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, TEMPORARY FOOD ESTABLISHMENTS, MOBILE FOOD UNITS, AND ROADSIDE FOOD VENDORS. (DIRECTOR OF HEALTH).

A motion was made by Commissioner Wilson and seconded by Commissioner Al Garcia to approve Ordinance #ORD-2002-18, amending Chapter XI, Article 7, Food Sales and Food Establishments; providing for regulation of food establishments including food service establishments, retail food stores, temporary food establishments, mobile food units, and roadside food vendors. The motion passed by a 4/0 vote. Commissioner Arturo Pecos was not present at this meeting.

2. CONSIDER REMOVING FROM THE TABLE THE COURT FEES AND FINES COLLECTION SERVICES CONTRACT WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP. (CITY COMMISSION).

2.1 REVIEW AND TAKE ACTION ON COURT FEES AND FINES COLLECTION SERVICES CONTRACT WITH LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON, LLP. (COMMISSIONER GARCIA).

No action was taken on item #2 and #2.1.

3. CONSIDER REMOVING FROM THE TABLE SEEKING REQUESTS FOR PROPOSAL FOR COLLECTION OF MUNICIPAL COURT FEES AND FINES. (CITY COMMISSION).

3.1 CONSIDER SEEKING REQUESTS FOR PROPOSAL FOR COLLECTION OF MUNICIPAL COURT FEES AND FINES. (COMMISSIONER GARCIA).

No action was taken on item #3 and #3.1.

4. CONSIDER AWARDING BID FOR THE PURCHASE OF ONE (1) BRUSH BED TRUCK FOR THE SANITATION DEPARTMENT. (BID #22-34). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase of one brush bed truck for the Sanitation Department. This action will expend \$59,807 and funds for this purchase will be paid from the bond proceeds. Mrs. Byington recommended the bid be awarded to Crosstown Ford from Corpus Christi, Texas.

Upon a question raised by Commissioner Wilson, Mrs. Byington responded that no bids were submitted by local vendors.

Upon a motion by Commissioner Garcia and second by Commissioner Castillo, the Commission voted 4/0 to award the bid to Crosstown Ford as recommended by staff.

5. CONSIDER ACCEPTANCE OF THE 2001 EXCESS DEBT COLLECTIONS AND THE CERTIFICATION OF THE 2002 ANTICIPATED COLLECTION RATE PURSUANT TO SECTION 26.04(B) OF THE TEXAS PROPERTY TAX CODE. (CITY MANAGER).

Mr. Hinojosa stated that pursuant to Section 26.04(b) of the Texas Property Tax Code, the certification of the 2001 excess debt collection and the anticipated collection rate must be approved by the governing body. He stated that the excess debt collection rate has been determined to be 0, and the anticipated collection rate has been determined to be 100%. He recommended approval of the above statement.

A motion was made by Commissioner Castillo and seconded by Commissioner Wilson to accept the 2001 Excess Debt Collections and the certification of the 2002 Anticipated Collection Rate pursuant to Section 26.04(B) of the Texas Property Tax Code. The motion passed by a 4/0 vote.

6. CONSIDER RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM. (CITY MANAGER).

Mr. Hinojosa stated two years ago a grant was submitted for water line improvements, however it was not funded. He stated that the City of Kingsville was resubmitting the same grant.

Commissioner Castillo noted a correction on the proposed resolution. He stated that the resolution should specify the 2003/2004 grant year rather than 2002/2003. He also noted that under item number three in the resolution it should read "water and/or wastewater system improvements".

A motion was then made by Commissioner Castillo and seconded by Mayor Esquivel to approve Resolution #R-2002-29, authorizing the submission of a Texas Community Development Program application to the Office of Rural Community Affairs, with the noted corrections made by Commissioner Castillo. The motion passed by a 3/1/0 vote. Commissioner Garcia cast the dissenting vote.

7. CONSIDER APPOINTMENTS TO THE KINGSVILLE CONVENTION AND VISITOR'S BUREAU BOARD OF DIRECTORS. (TOURISM DIRECTOR).

Mr. Anse Windham, President of the Board of Directors of the Kingsville Convention and Visitor's Bureau made the following recommendations for board appointments.

Seat 3 – Recommend Jill Wilson to replace Tom Jackson due to Mr. Jackson's resignation from the board.

Seat 5 – Recommend Stanley Laskowski to replace Charles E. Wilson due to Mr. Wilson's election to the City Commission.

Seat 9 – Recommend Debbie Mirarchi to replace Dave Franks due to Mr. Franks' termination of his second term.

Seat 10 – Recommend Martin Clements to replace Alton Remmers due to Mr. Remmers' termination of his second term.

Seat 11 – Recommend Bill Kuvlesky to replace Steve Nevares due to Mr. Nevares' resignation.

Mr. Windham stated that they are always looking for volunteers to serve on this board. He recommended the Commission approve the individuals the Board has recommended.

A motion was made by Commissioner Garcia and seconded by Commissioner Wilson to approve the appointments as recommended above by the Board President. The motion passed by a 4/0 vote.

8. CONSIDER AWARDING BID FOR THE PURCHASE AND INSTALLATION OF A FENCE AT THE LANDFILL. (BID #2-35). (DIRECTOR OF PURCHASING).

Mrs. Byington stated this item authorizes the purchase and installation of a 30' fence at the landfill. This action will expend \$67,535 and funds for this purchase will be paid from the bond proceeds. Mrs. Byington recommended the bid be awarded to Construction Rent-A-Fence, Inc. from Thrall, Texas.

A motion was made by Commissioner Wilson and seconded by Commissioner Castillo to award the bid for the installation of a fence at the landfill as recommended by staff. The motion passed by a 4/0 vote.

9. CONSIDER RESOLUTION DESIGNATING THE AUTHORIZED SIGNATORIES FOR DRAWDOWN REQUESTS FROM THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR ALL OF THE CITY'S TEXAS COMMUNITY DEVELOPMENT PROGRAM PROJECTS. (CITY MANAGER).

Mr. Hinojosa stated that the proposed resolution designates City of Kingsville staff members to sign purchase vouchers and reimbursement requests for the grant projects related to the Office of Rural Community Affairs. He recommended that Ms. Jennifer Detloff, Director of Development Services and Mrs. Dora Byington, Director of Purchasing, be designated to sign the purchase vouchers; and Mrs. Caron Vela and himself as City Manager be designated to sign the drawdown requests.

A motion was made by Commissioner Wilson and seconded by Commissioner Garcia to approve Resolution #R-2002-30, designated the authorized signatories as recommended by the City Manager for drawdown requests from the Office of Rural Community Affairs for all of the City's Texas Community Development Program Projects. The motion passed by a 4/0 vote.

10. CONSIDER RESOLUTION DESIGNATING THE MONTH OF AUGUST 2002 AS FAIR HOUSING MONTH AND SUPPORTING FAIR HOUSING ACTIVITIES WITHIN THE CITY. (CITY MANAGER).

Mr. Hinojosa recommended approval of the proposed resolution.

A motion was made by Commissioner Garcia and seconded by Commissioner Wilson to approve Resolution #R-2002-31 designating the month of August, 2002 as Fair Housing Month and supporting fair housing activities within the City of Kingsville. The motion passed by a 4/0 vote.

11. CONSIDER RESOLUTION APPROVING THE APPOINTMENT OF A FAIR HOUSING / EQUAL OPPORTUNITY STANDARDS OFFICER. (CITY MANAGER).

Mr. Hinojosa recommended that Ms. Jennifer Detloff, Director of Development Services be appointed as the Fair Housing / Equal Opportunity Standards Officer.

A motion was made by Commissioner Garcia and seconded by Commissioner Wilson to approve Resolution #R-2002-32, approving the appointment of Ms. Detloff as the Fair Housing / Equal Opportunity Standards Officer. The motion passed by a 4/0 vote.

12. DISCUSS AND ACT ON PRODUCING A CITY NEWSLETTER. (MAYOR ESQUIVEL).

Mr. Hinojosa stated that information relating to the cost of a newsletter would be presented to the Commission at the next meeting.

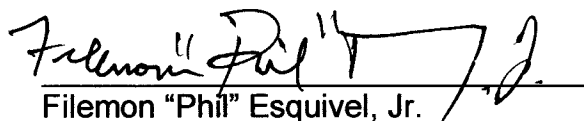
There was no discussion or action on this item.

13. EXECUTIVE SESSION: UNDER SECTION 551.074 OF THE TEXAS OPEN MEETINGS ACT, THE CITY COMMISSION SHALL CONVENE IN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS REGARDING THE APPOINTMENT OF AN INTERIM CITY ATTORNEY. (CITY ATTORNEY).

The executive session began at 7:37 p.m. and ended at 8:15 p.m.

VI. ADJOURNMENT.

The meeting adjourned at 8:16 p.m.


Filemon "Phil" Esquivel, Jr.
Mayor

ATTEST:

Diana F. Valadez, City Secretary